

REMARKS

Applicants submit this Request for Reconsideration in reply to the Office Action mailed March 6, 2007.

As an initial matter, Applicants gratefully acknowledge the Examiner's indication of the allowability of the subject matter of claims 8, 10, and 11. At least because Applicants believe that independent claim 1, is patentable over the cited references, Applicants have not written the subject matter of claims 8, 10, and 11 into independent form at this time.

Claims 1-17 are pending in this application. Claims 1 and 17 are independent claims.

On pages 2-4 of the Office Action, claims 1-7, 9, and 12-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by published U.S. Patent Application No. 2003/0185134 A1 to Kimura et al. ("Kimura"). Applicants respectfully traverse this rejection because Kimura is not available as prior art to this application.

Kimura was published on October 2, 2003 and was filed in the U.S. Patent and Trademark Office on October 8, 2002. Thus, the earliest effective date of Kimura under 35 U.S.C. §102(e) is **October 8, 2002**.

This application has a U.S. filing date of July 23, 2003, and claims priority to Japanese Patent Application No. 2002-218288 ("Japanese priority document"), which was filed in the Japanese Patent Office on **July 26, 2002**. The Form PTOL-326 of the Office Action mailed March 17, 2006 indicates that a certified copy of the priority document has been received by the U.S. Patent and Trademark Office. Accordingly, to perfect priority, Applicants file herewith a certified English translation of the Japanese

priority document. Accordingly, in accordance with the provisions of 37 C.F.R. § 1.55 and M.P.E.P. § 201.15, Applicants respectfully request that the Examiner establish that the Japanese priority document satisfies the enablement and description requirements of 35 U.S.C. 112, first paragraph, antedates the earliest effective dates of Kimura under 35 U.S.C. §102(e), and thus removes Kimura as a prior art reference to this application. Accordingly, because Kimura is available as prior art to this application, Applicants respectfully request the withdrawal of the rejection based on Kimura.

In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains other characterizations and assertions regarding the claims and the cited art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to consider this Request for Reconsideration and charge any additional required fees to our Deposit Account No. 06-0916.

Application No. 10/624,535
Attorney Docket No. 02860.0748
Request for Reconsideration - May 22, 2007

Respectfully submitted,

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Dated: May 22, 2007

By: _____


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Attachments: English language translation of Japanese Patent Application No. 2002-
218288 (70 pages);
Declaration of Masahiro SUGISAWA (2 pages).